

The Determinants of Mock Jurors' Verdicts in a Rape Case¹

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The determinants of verdicts in a rape case were examined. Pretrial attitudes (rape empathy, juror bias, belief in a just world, and authoritarianism) were measured to ascertain both the intercorrelations among the attitudes and their predictive value of verdicts. The eye contact (staring, avoiding, or random) of the alleged rape victim with the defendant was also examined.

Results showed that rape empathy was predictive of verdict. The eye contact of the alleged victim with the defendant also affected verdicts of female mock jurors. Specifically, when eye contact was avoided, more guilty verdicts were rendered. Furthermore, interpretation of eye contact was found to be a function of mock jurors' reported rape empathy. Specifically, subjects who reported empathy with the victim tended to interpret the victim's behavior as consistent with being raped. Finally, differences were found between high and low empathizers for the rape victim in what aspects of the trial were important to mock jurors' decisions.

Since the early 1970s, the literature on rape has been increasingly concerned with observers' reactions to rape. It has been consistently shown that mock jurors and other observers, when given the task of attributing responsibility for a rape, are often influenced by factors which, legally, should have no bearing on the verdict. Such extraevidential characteristics include the "respectability" of victims (Feldman-Summers & Lindner, 1976; Jones & Aronson, 1973), the physical attractiveness of the victim (Calhoun, Selby, Cann, & Keller, 1978; Deitz, Littman, & Bentley, 1984), level of resistance offered by the alleged victim (Deitz, Littman, & Bentley, 1984; Krulewitz & Nash, 1979; Scroggs, 1976), prior acquaintance with the rapist (Calhoun, Selby, & Warring, 1976; Smith, Keating, Hester, & Mitchell, 1976; Tetreault & Barnett, 1987), violations of norms (Acock & Ireland, 1983), and victim's emotional response (Calhoun, Cann, Selby, & Magee, 1981). Such evidence indicates that it is not only the defendant that stands trial when the crime is

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rape; the effects of such extralegal factors may be so pervasive that they have been described as "the thirteenth juror" (Frank, 1949).

Another aspect of study within the rape literature involves examining observer characteristics and the consequences of such characteristics. Such studies have looked at the effect of subjects' attitudes toward rape (Feild, 1978), rape empathy (Deitz, Blackwell, Daley, & Bentley, 1982; Deitz, Littman, & Bentley, 1984), sexist attitudes (Hall, Howard, & Boezio, 1986), and gender of the observer (Calhoun, Selby, & Warring, 1976; Kerr & Kurtz, 1977; Selby, Calhoun, & Brock, 1977; Tetreault & Barnett, 1987). These studies have demonstrated that observers often make attributions of responsibility that are consistent with their attitudes, and that females, in general, tend to be more sympathetic with rape victims than are males. In an attempt to further enhance the available research, this study was designed to take both characteristics of an alleged rape victim as well as characteristics of observers serving as mock jurors into account.

Most of these previous studies have dealt with either the behavior of the victim prior to or during an alleged assault, or with characteristics of the victim over which she generally has little or no control (e.g., attractiveness). There are, however, behaviors that a victim could conceivably demonstrate while testifying in court that could either enhance or question her credibility. For this reason, as well as the fact that rape cases most always involve credibility contests between the victim and the defendant, testimony that an alleged victim offers while under oath is of utmost importance.

The type of nonverbal behavior that an alleged rape victim engages in while testifying under oath may provide substantial amounts of information to the jury. For example, the type of eye contact used by an alleged victim may help jurors to either confirm or disconfirm her statements. Hemsley and Doob (1978) have shown that avoidance of eye contact with a questioning attorney by a witness can damage the credibility of that witness. Other studies have shown that a high level of confidence shown by the witness (Wells & Murray, 1984) as well as a powerful style of speech (vs. powerless, Erickson, Lind, Johnson, & O'Barr, 1978) produces higher levels of credibility for the witness, as reported by mock jurors. Though these studies did not use alleged rape victims as witnesses, they do show that different nonverbal attributes displayed by those testifying do affect the verdicts of mock jurors. And because the testimony of an alleged victim is so important, her nonverbal communication may be particularly significant.

In general, lack of eye contact with another person carries a negative connotation. When the relationship between two people involves negative attitudes, there is usually a decrease in eye contact (Knapp, 1980). Depressed people, those feeling a sense of shame, or people who wish to hide something may also avoid eye contact.

On the other hand, those who express frequent amounts of eye contact with others are usually seen in a better light than those who avert their gaze. Kleck and Nussle (1968) report that those who look at another at least 80% of the time are seen as more sincere, friendly, self-confident, natural, and mature. Mehrabian and Williams (1969) found speakers with more gaze more persuasive, truthful, sincere, and credible. Knapp, however, reports that there may be other motivations for a high degree of eye contact that do not reflect sincerity in the looker. He suggests that those who continually gaze may be doing so as the product of anger or of an effort to manipulate the situation.

The effects of eye contact seem to be clear, in that those who are avoiding gaze are perceived as reflecting more negative affect, while those with strong levels of eye contact appear more self-confident, directed, and goal-oriented, albeit possibly angry or hostile. This would suggest that alleged rape victims who avoid eye contact during their testimony would be found less credible, which would ultimately result in more not guilty verdicts. However, there are two other complicating factors that must be taken into account. First, the motivation behind such negative affect, either associated with averted gaze or the confidence and directedness associated with high levels of gazing, is often not clear. Rape is an emotionally charged issue. It is quite conceivable that, given a situation, negative affect could be viewed as either anger toward someone, or as a feeling of anxiety or shame within a person. Conversely, it is also possible that a person with a direct gaze may be viewed as either truthful and sincere, or as manipulative and self-seeking. Second, jurors do not walk into a courtroom free of preconceived attitudes. Several theories of juror decision making include a pretrial disposition element into their analyses of the judgmental process (cf. Kaplan, 1982). Evidence has shown that many jurors produce verdicts that are consistent with their preexisting attitudes (cf. Bray & Noble, 1978; Deitz, Blackwell, Daley, & Bentley, 1982; Kassin & Wrightsman, 1983).

It is proposed that within the grey areas of trying to discern the motivation of an alleged rape victim, and ultimately, attributions of responsibility, jurors will bring their own predispositions into the decision process. To test this interactive hypothesis, four attitude constructs theoretically relevant to the study were measured: authoritarianism, belief in a just world, prosecution/defense biases, and rape empathy.

Authoritarianism

The authoritarian personality (Adorno, Frenkel-Brunswick, Levinson, & Sanford, 1950) has been found to be an effective predictor of mock juror decisions. Authoritarians tend to be relatively harsh toward criminal defendants (for reviews, see Davis, Bray, & Holt, 1977; Elwork & Sales, 1980).

Furthermore, because one aspect of the authoritarian personality includes an intolerance for the weak or powerless, it is possible that in the case of rape, the overpowered victim may be viewed more negatively, while a vicarious identification may occur in the defendant. By this reasoning, it seems likely that authoritarianism should be associated with negative views of the rape victim, and ultimately, more not-guilty verdicts in a rape case.

Juror Bias

The development of the Juror Bias Scale (Kassin & Wrightsman, 1983), which measures both pro-prosecution and pro-defense biases, provides support that generally conservative or liberal attitudes, respectively, are reflected in jurors' decisions. The scale is divided into two parts, a probability of commission (PC) measure and a reasonable doubt (RD) score, as most all juror models assume that verdicts reflect a constructive operation of making two "decisions." Individuals reporting a prosecution bias are generally more likely to find defendants guilty than those who report biases leaning toward the defense. However, a prosecutorial bias has been found to be negatively related to empathy for a rape victim (Kassin & Wrightsman, 1983). Similar results were found between juror biases and verdicts ascribed when the charge is rape. The inclusion of this attitude scale, in conjunction with other attitude scales, may add further understanding to the judgment process.

Belief in a Just World

According to the just world hypothesis, the need to believe the world as meaningful and within control also directs reactions to victims of misfortune. Miller (1978) contends that observers who are unable to help an unfortunate victim will either attribute responsibility to a victim's behavior or they will derogate the victim. Jurors can, at best, only vicariously help this woman—offering a verdict of guilty cannot alleviate the physical and emotional pain that the victim has suffered. Therefore, individuals who believe in a just world should attribute more responsibility for the rape to the victim by voting not guilty, as a means of making their own world safe.

Rape Empathy

Attitudes toward rape may be especially important when one is confronted with the actual crime of rape. The role of rape empathy has been found by Deitz and her colleagues (Deitz, Blackwell, Daley, & Bentley, 1982; Deitz, Littman, & Bailey, 1984) to be a reliable predictor of juror verdicts, as well as attributions of responsibility, and the social perceptions of both the alleged victim and defendant in rape cases. Rape empathy refers to a general ability to

take the psychological perspective of either a rape victim or a rapist. For this reason, it is expected that such perspective taking will encourage an interpretation of an alleged victim's eye contact in a manner which is consistent with the observer's empathy. Specifically, those subjects who report a tendency to empathize the rape victim should find her more sincere, while those who report empathy with a rapist should distrust the victim.

The inclusion of these four potentially relevant attitude scales will give insight into two important questions. First, how are attitudinal constructs related? We expect that relationships do exist between authoritarianism, juror bias, belief in a just world, and rape empathy. Second, how do such attitudes affect the judgmental process when the case is rape?

Method

Subjects and Procedure

Six hundred and fifteen students (341 females and 274 males) enrolled in a general psychology course participated in the study. All subjects received course credit in exchange for their participation. Two hundred and seventy-seven of these subjects were recruited from a mass testing session held early in the fall semester. At this time, they were administered four scales: the Rape Empathy Scale, the Just World Scale, the Juror Bias Scale, and the California F-Scale. Scoring high on all scales identifies high empathy for the rape victim, a strong belief in a just world, an authoritarian personality, and a prosecution bias, respectively.

The remaining 338 subjects (163 males, 175 females) participated in both phases of the study. Stimulus materials were randomly assigned to students with both male and female experimenters blind to conditions. Subjects were told to first read the consent form and return it, if they agreed to participate (all subjects agreed). In this manner, we were able to assure them of complete anonymity. They were then given trial transcripts taken from an actual trial. Students read this once and returned it before being given a questionnaire concerning their opinions of the transcript. The questionnaire consisted of questions asking about their opinions of the trial. Finally, they were asked to fill out the four attitude scales. Upon their completion, subjects were debriefed and released.

Stimulus Materials

The portion of the trial transcript (also used by Borgida, 1980) entitled *State v. McNamara*, is based on an actual rape case brought to court in Wisconsin. In this trial, the defendant, Greg McNamara is charged with raping Sheryl Palmer in his car after conversing with her in a bar. The fact that sexual

intercourse had taken place was not disputed. The defense claimed that Palmer consented to the act and in an effort to hide this fact, told her boyfriend that McNamara had raped her. Subjects read only the portion of the trial transcript in which the alleged victim testified. The 12-page transcript excerpt took approximately 15 minutes to read.

Besides a control condition in which no manipulations were added to the transcript, 10 different versions of the transcript excerpt were prepared. These transcripts varied type of eye contact (avoiding or staring), and attorney who made notice of her eye contact in the transcript (prosecution or defense). The remaining versions included additional attributions made by the attorney and the response of the victim to his questioning. These versions of subsequent attributions were added for two reasons: first, to make the manipulation more meaningful and believable for the subjects, and second, to be able to determine if subjects were making their own attributions, or relying on those of the questioning attorney. All manipulations were added at the end of the attorney's (direct or cross) examination. Those subjects in the *avoided* condition read the following excerpt as spoken by the attorney:

Ms. Palmer, I notice that all through your testimony, you've been looking away from the defendant. Even when you were asked to identify him, you barely could look at him. And even then, you did it very quickly, and then you looked away. Is this not true?

In contrast, those subjects in the *stared* condition read:

Ms. Palmer, I notice that all through your testimony you've been staring intently at the defendant. Instead of looking at me, or looking at the judge, or at the jury, you've been looking at the defendant the whole time. Is that not true?

If no attribution were made by the attorney, the alleged victim would reply "I didn't realize I was," and there was no more mention of the eye contact. In the remaining six conditions, she affirmed the inquiry, offering the rationalization in four of the conditions that she was behaving this way because he had "hurt her." In the final two of these six conditions, the defense attorney offered his own negative attribution of why she was staring or avoiding the defendant. In the *avoiding* condition, he announced:

And isn't it true, Ms. Palmer, that you can't look him in the eye because you're lying— that no rape took place. That instead you consented to have sexual intercourse with him and now you're

trying to keep your boyfriend's good opinion of you. Isn't that why you can't look at the defendant?

While in the *staring* condition, he stated:

And isn't it true, Ms. Palmer, that you are doing that to try to convince the jury that a rape really took place? That you assume that when the jury sees you staring so intensively at the defendant, you think they'll believe your story about a rape taking place?

In both conditions, the alleged rape victim replied:

No. (pause). Er, uh, no, he did rape me. He hurt me; that's why I'm looking at him.

All questioning concluded at this point by the attorney.

The main dependent measure consisted of a dichotomous judgment (guilty-not guilty) and a measure assessing subjects' confidence in their verdict on a scale from 0 (not at all confident) to 8 (extremely confident). Subjects also indicated the likelihood that the defendant had raped the young woman, from 0% to 100%, with 10% intervals. Finally, they were asked to rate the extent to which eight different aspects of the trial influenced their verdict on a 3-point scale (not very important to very important). These included the fact that the alleged victim had no bruises, had previously dated the defendant, was under oath, had danced with the defendant earlier in the evening, had been at a bar where the defendant was also, had accompanied the defendant to a friend's house, had resisted, and finally, that she had eventually given up resisting.

Results

Observer Characteristics

Correlation coefficients were obtained to find the intercorrelations among the scales. Data for this analysis were obtained from all subjects participating in mass testing ($N = 277$). As Table 1 indicates, intercorrelations were weak. Rape empathy, the attitude considered most relevant in this study, failed to correlate with any attitude construct. The strongest correlation obtained was between the authoritarianism and RD (reasonable doubt, $r = .37, p < .05$), indicating that authoritarian personalities tend to require a lower threshold of reasonable doubt before they will convict. There was also a significant correlation between PC (probability of commission) and RD ($r = .30, p < .05$) indicating that those people who report requiring a less stringent criterion

Table 1

Correlations Among the Attitude Scales

	RES	JWS	PC	RD	F
RES	—	.013	-.064	-.07	-.08
JWS	—	—	.082	-.05	-.21
PC	—	—	—	.30*	.18*
RD	—	—	—	—	.37**

Note. RES = Rape Empathy Scale; JWS = Just World Scale; PC = Probability of Commission; RD = Reasonable Doubt; F = California F-scale. $N = 277$.

* $p < .05$. ** $p < .01$.

for convicting a person also tend to assume that defendants brought to trial probably committed the crime. In contrast to Kassin and Wrightsman (1983), we found no relationship between juror bias and rape empathy (PC, $r = -.06$, n.s.; RD, $r = -.07$, n.s.). It appears that, in general, these attitude measures are each tapping a relatively independent attitude construct. Given the failure of the different scales to correlate with each other, in the second phase of the study each scale individually was compared with verdicts across conditions.

Observer Characteristics, Situational Characteristics, and Verdicts

The remaining 338 subjects in the study were used for all further analyses, as these subjects completed all stimulus materials. Though not as ecologically valid, individual verdicts were analyzed using a score combining subjects' dichotomous guilty/not guilty decision with their quantitative measure of guilt, resulting in a possible range of verdicts from 0 to 17 (the higher the number, the more confidence in a guilty verdict; the lower the number, the more confidence in a not-guilty verdict). This was done for two reasons. First, creating such a continuous measure allows a more sensitive measure of subjects' reactions to the case (Pyszczynski & Wrightsman, 1981; Kassin & Wrightsman, 1979). Second, this measure creates more variability among the subjects and is amenable to analyses of variance. The overall verdict confidence mean for all subjects was 9.76, indicating that the trial transcript was appropriately ambiguous. Eight subjects (five males, three females) were dropped from the analysis because they failed to pass the manipulation check which consisted of a single question located at the end of the questionnaire.

To see if any of the individual attitude scales were predictive of verdicts, simple regression equations were obtained with each attitudinal variable.

The obtained data showed that reported rape empathy was the only significant predictor of verdict (see Table 2). Correlations between scores on the RES (with higher scores indicating more empathy for the rape victim) and verdicts were significant for both males and females ($r = .16, p < .05$; and $r = .30, p < .01$, respectively).

Sex Differences

Males and females significantly differed from each other in their responses on the RES ($X = 102.72$ and 113.97 , respectively, $t(330) = 7.4, p = .000$). There were no significant differences between males and females for verdict, or the reported likelihood that the defendant had, in fact, raped the young woman (see Table 3).

The data did reveal differences between males and females for the importance that each gender placed on different aspects of the trial (see Table 3). Males found the fact that the young woman had danced with the defendant earlier in the evening more important than did females ($X = 1.70$ and 1.55 , respectively, $t(330) = 1.98, p < .05$). Women placed more importance on the alleged victim's account of resisting the defendant than did men ($X = 2.76$ for females, 2.63 for males, $t(330) = 2.25, p = .025$) as well as on the fact that she finally "gave up" ($X = 2.50$ for males and 2.70 for females ($t(330) = 2.55, p = .01$).

Victim's Eye Contact

Finally, in order to find out if the behavior of the alleged victim affected verdicts, analyses of variance were performed. First, any effects of the type of

Table 2

Correlations Between Attitude Scales and Verdicts

	Males	Females	<i>t</i>
Rape Empathy Scale	.16*	.30*	1.35
Juror Bias Scale (PC)	.13	-.05	1.64
Juror Bias Scale (RD)	.13	-.08	1.91
Just World Scale	-.10	-.14	.04
California F-scale	.03	-.03	.54

Note. PC = Probability of Commission; RD = Reasonable Doubt. $N = 330$.

* $p < .05$. ** $p < .01$.

Table 3

Differences Between Males and Females

Attitude scales	Males (<i>X</i>)	Females (<i>X</i>)	<i>t</i>
Rape Empathy Scale	102.72	113.97	7.04***
Juror Bias Scale (PC)	26.92	26.47	1.04
Juror Bias Scale (RD)	24.72	25.24	1.17
Just World Scale	67.39	67.01	.38
California F-scale	84.44	84.50	.01
Verdict	9.40	10.76	1.00
% Likelihood of rape	56.30	61.00	1.63
Aspects of trial			
No bruises	2.60	2.04	.33
Previously dated	1.97	1.90	.92
Under oath	2.28	2.41	1.54
Danced with defendant	1.70	1.55	1.98*
Was at bar	1.87	1.89	.20
Accompanied defendant	2.10	2.15	.53
Resisted	2.63	2.76	2.26*
Gave up resisting	2.50	2.67	2.55**

Note. PC = Probability of Commission; RD = Reasonable Doubt. *N* = 330.

p* < .05. *p* < .01. ****p* < .001.

attributions made by the questioning attorney or the alleged victim concerning the eye contact were examined. The results showed that offering no attribution at all brought higher guilty verdicts ($X = 11.4$) than when a negative attribution was offered by the defending attorney ($X = 7.8$, $F(1, 147) = .005$). It seems that not only are subjects not relying on attributions made by the attorney, but they may, in fact, go against the defense attorney when he apparently "badgers" the witness, preferring to determine their own attributions. The fact that there were no differences in verdict between the "hurt me" condition and other attribution conditions offers further support for this. As there were no interactions between attributions and other variables, all other analyses were examined across these conditions.

A $2 \times 2 \times 2$ analysis of variance was performed using two levels of Rape

Empathy scale scores (formed by selecting subjects in the lower and upper halves of the RES distribution within each sex), sex of the subject, and eye contact (avoiding vs. staring) as independent variables. Table 4 indicates that, as predicted, a significant main effect was found for RES ($F(1,284) = 17.20$, $p = .000$). Subjects reporting more empathy with the rape victim were more confident in their assessments of the guilt of the defendant. Additionally, as predicted, a significant interaction was found between eye contact and reported rape empathy ($F(1,284) = 6.01$, $p = .02$). Table 5 shows that this interaction is due to the fact that the alleged victim's staring behavior is being interpreted in a manner which is consistent with subjects' reported rape empathy. If one has reported a low degree of empathy, then the staring behavior seems to be interpreted negatively, as reflected by more not-guilty verdicts ($X = 7.05$). Those subjects reporting high empathy for the rape victim, however, evidently find her much more credible, as reflected by their guilty verdicts ($X = 11.30$).

There was a marginally significant interaction between sex and eye contact ($F(1,284) = 3.67$, $p = .06$). As Table 6 shows, if the two levels of rape empathy are collapsed across and only differences between males and females in verdicts are looked at, we find virtually no differences in verdicts among eye contact conditions (staring: $X = 9.29$, avoiding: $X = 9.20$, n.s.). Among the females, however, the same pattern that was found for RES is found. That is, females in general tend to find the avoiding behavior of the alleged victim more credible ($X = 10.79$) than her staring behavior ($X = 8.70$).

Table 4

Analysis of Variance

Source	Sum of squares	df	Mean-square	F
CON	84.83	1	84.83	2.54
RES	573.66	1	573.66	17.20***
SEX	2.03	1	2.03	.06
CON \times RES	200.46	1	200.46	6.01**
CON \times SEX	122.23	1	122.23	3.67*
RES \times SEX	74.88	1	74.88	2.25
CON \times RES \times SEX	114.00	1	114.00	3.42*
ERROR	9471.81	284	33.35	

Note. CON = Eye-contact conditions (avoiding vs. staring).

* $p < .07$. ** $p < .02$. *** $p < .000$.

Table 5

Rape Empathy by Eye-Contact

Reported Rape Empathy	Low	9.14	7.05
	High	10.75	11.30
		Avoiding	Staring
		Eye-Contact	

Note. The values are mean verdict scores. The higher the number the more guilty verdict.

Finally, the three-way interaction was also marginally significant ($F(1, 284) = 3.42, p = .066$). As Table 7 illustrates, the large differences among verdicts are found primarily among the women. Not only do they interpret the two levels of eye contact differently, but this difference becomes strongly magnified when reported rape empathy is taken into account. Males, however, do not show this pattern of responding. Therefore, it appears that much of the interaction found in the statistical analysis may be due to responses of female subjects. A highly significant interaction found in the 2 (level of RES) $\times 2$ (eye contact) analysis of variance using data from females only verifies this ($F(1,145) = 9.45, p = .003$; males—n.s.).

It appears that women of differing levels of rape empathy also differ on what aspects of the case they find important (see Table 8). Females reporting low empathy for the rape victim seem to find the circumstances leading up to the alleged rape much more important than those females reporting high empathy. This pattern is similar to the pattern found between males and females in the aspects of the trial they reported as important.

Table 6

Sex by Eye-Contact

Sex	Male	9.20	9.29
	Female	10.79	8.70
		Avoiding	Staring
		Eye-contact	

Note. The values are mean verdict scores. The higher the number the more guilty verdict.

Table 7

Rape Empathy by Sex by Eye-Contact

Reported Rape Empathy	Sex			
	Male		Female	
	Low	High	Low	High
Avoiding	8.65	10.11	10.09	11.05
Eye-Contact				
Staring	8.50	10.77	4.50	11.61

Note. The values are mean verdict scores. The higher the number the more guilty verdict.

Discussion

Two major issues were addressed in this study. First, the eye contact behavior of an alleged rape victim was examined. Based on previous studies, it was expected that, in general, gaze avoidance by the victim would produce more negative attributions toward her, as reflected by more not-guilty verdicts. An interaction between type of eye contact and reported rape empathy

Table 8

Main Effects for High and Low Rape Empathy—Females

	High (<i>X</i>)	Low (<i>X</i>)	<i>t</i>
Verdict	11.69	8.10	4.04***
% likelihood of rape	68.53	51.43	4.84***
Aspects of trial			
No bruises	1.83	2.26	3.54**
Previously dated	1.77	2.05	2.47*
Under oath	2.52	2.26	2.42*
Danced with defendant	1.41	1.73	3.20**
Was at bar	1.73	2.10	3.10*
Accompanied defendant	1.90	2.47	5.39***
Gave up resisting	2.61	2.74	1.49

* $p < .05$. ** $p < .002$. *** $p < .000$. $N = 172$.

was also expected. Finally, three other attitudinal constructs were measured—authoritarianism, juror bias, and belief in a just world—to examine their predictive ability in a rape case.

It was expected that the three attitudinal constructs not specifically related to the issue of rape investigated, namely, authoritarianism, juror biases, and belief in a just world, would be both interrelated among themselves, and with rape empathy. This hypothesis was not supported. It appears that such constructs are independent, and not relevant to attributions of responsibility concerning verdicts of guilt when the case is rape. It is possible that if subjects were allowed to offer a sentence for the defendant following a guilty verdict, or following a hypothetical assumption of guilt, that these constructs would be relevant. This would be consistent with earlier findings concerning authoritarian personalities (Bray & Noble, 1978) who do not necessarily offer more guilty verdicts, but do award higher sentences. Similarly, Jones and Aronson (1973) found that in a rape case, subjects are inclined to both offer higher sentences to defendants *and* attribute responsibility to the victim. In this study, subjects were not asked to offer sentences to the defendant. There was a significant relationship found between reported rape empathy and verdicts. It appears that because rape is such a unique phenomenon, attitudes specifically relevant to rape are most predictive.

The eye contact that the alleged rape victim displayed toward the defendant did, indeed, have an effect on subjects' verdicts. The effect, however, was not in the direction anticipated by present theory (cf. Knapp, 1980). Specifically, when the victim avoided eye contact with the defendant, female subjects rendered more guilty verdicts. It seems that such gaze avoidance is characterized by females as an indication that the woman was, indeed, hurt. Consequently, females more often found the defendant in this case guilty.

It is also possible that an alleged victim who constantly stares at the defendant may be viewed as behaving inappropriately. Traditional gender stereotypes are still pervasive in Western society (Basow, 1986). Such stereotypes for women include a passive, gentle woman with less self-confidence than men. Actively staring at someone does not fit such a stereotype. Consequently, women who do not act in a stereotype-consistent manner may be viewed more negatively. It is also possible that staring behavior, in and of itself, elicits negative reactions from others, given its behavioral inappropriateness. Though these interpretations were not tested in this study, further studies could offer clues concerning its validity.

It should be noted that no amount of differentiated eye contact seemed to affect the verdicts of male subjects. Rosenthal, Hall, DiMatteo, Rogers, and Archer (1979) have studied males' and females' sensitivity to nonverbal cues and have consistently found that females have the advantage when it comes to receiving and judging nonverbal cues; they are better able to both notice

nonverbal cues, as well as to explain and interpret them. Therefore, for males, victim eye contact patterns may not be salient cues used in the attribution process while making a decision.

Though, in general, avoiding eye contact is perceived as more sincere by female mock jurors, the prior attitudes of these women were relevant. Interestingly, it is the staring condition which produces the most differential effects. When the alleged victim's behavior involves staring, high empathizing women tend to find her just as, or slightly more, credible than when she avoids gaze. Low empathizing women, however, differ dramatically in how they interpret eye contact patterns. If the alleged victim stares (as opposed to avoiding eye contact) at the defendant, their confidence that the defendant is not guilty rises dramatically. The speculated doubt that low empathizing women have about women who claim they have been raped is clear, but when the alleged victim emits constant staring, that doubt increases to new heights. In fact, women who report low empathy for rape victims are more harsh on such victims than low empathizing men. These results suggest that low empathizing women are more influenced by external cues within a court scenario. The results also suggest that staring behavior may be more amenable to different interpretations.

Though the eye contact of the alleged victim does not seem to make a difference on male subjects' verdicts, the prior attitudes of these subjects do indeed make a difference. When taking prior attitudes into account, we find that male subjects who report high empathy for the rape victim render more guilty verdicts than those males reporting low empathy for her. Clearly, the prior attitudes of subjects (specifically, rape empathy) influence the process by which attributions of responsibility are made.

Some limitations on the conclusions deserve discussion. First, subjects read only a written transcript of the case. An actual visual presentation of the case would have been optimal, especially considering our manipulation of eye contact used in this study. Eye contact is a visual behavior that is not always conspicuous. Our manipulation of the eye contact behavior in this study could have produced effects qualitatively different than what would have resulted had subjects actually observed the behavior for two reasons. First, the mode through which subjects encoded information regarding her visual behavior was different from how most behavior of this type is characteristically processed. Second, it is possible that the written passage describing the eye contact behavior of the alleged victim made her behavior, which otherwise might have been subtle, quite salient to subjects. Because subjects did not directly see the alleged victim's nonverbal behavior in this study, it is unclear whether actually observing her behavior would have produced similar effects. Though the majority of studies using mock jurors involve trial transcripts (Bray, 1976), and no differences in the perceptions of witnesses testifying in

court have been found to exist as a function of presentation mode (Juhnke et al., 1979), this study has limitations concerning generalizability. Specifically, in addition to this operationalization, further research should include visual presentation modes.

Another limitation to this study lies in the fact that, unlike actual trials, only a portion of the transcript was presented to the subjects. Opening and closing statements, as well as testimony from the defendant, were omitted. Leaving out the defendant's testimony could possibly affect the results in two ways. First, it might make salient only the alleged victim's side of the story, therefore biasing the subjects toward empathizing with her. Another possibility is that realizing there are two sides involved in the case, it could have left subjects motivated to make attributions concerning the defendant's account of what happened. These possibilities, however, could not have affected the significant differences found among varying eye contact patterns for females. Any effects that the omission of such testimony could have had should be constant across conditions. Finally, the use of college students as subjects also limits the generalizability of this study to actual jury trials. Though college students are eligible to, and do serve on juries, they may not reflect the prototypical juror. Despite these concerns regarding ecological validity, it still seems important that researchers and attorneys alike who are concerned with the effects of nonverbal behavior that accompanies the testimony of a witness be aware of the present results.

The results of this study may have solid implications for attorneys involved in a rape trial. Because, in general, women report more empathy for a rape victim, a prosecuting attorney may benefit from attempting to select more women to be on the jury. This could be achieved by peremptorily challenging more men than women. However, the prosecution should carefully question all females about their specific attitudes toward rape, as our research suggests that women who are unable to empathize with rape victims are especially harsh when confronted with rape cases. With careful scrutiny of potential jurors' attitudes toward rape, it is possible that these individuals could be challenged for cause. A defense attorney on the other hand, should find it more beneficial to select men for the jury. Again, however, their specific attitudes toward rape should be assessed. Additionally, it would be wise for a prosecuting attorney to prepare a victim to not only give accurate testimony, but to give it convincingly. These results show that a woman who shows more passive eye contact by avoiding the defendant is found more credible and produces more confident guilty verdicts.

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